PERMANENT STORM SEWER, SURFACE WATER FLOWAGE AND DETENTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, DRA Properties, LC, of the City of Ankeny, County of Polk, State of Iowa, hereinafter referred to as "Grantor", in consideration of the sum of one dollar (\$1.00), and other valuable consideration, in hand paid by the City of Ankeny, Iowa, receipt of which is hereby acknowledged, do hereby sell, grant and convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, hereinafter referred to as "Grantee", a permanent easement under, through, and across the following described real estate:

See Attached Exhibit "A"

That the above described easement is granted unto the City of Ankeny, Iowa, for the purpose of construction, installation and maintenance of the following public improvements:

STORM SEWER, SURFACE WATER FLOWAGE AND DETENTION EASEMENT

That the said City of Ankeny shall have the right to enter upon said property as shall be necessary to construct, reconstruct, inspect, repair, operate, maintain and service said improvements, and shall have the right to use as much of the above described real estate as may be necessary but for no other use or purpose whatsoever. It is further agreed that no permanent improvement shall be built or placed upon the above described real easement, and that if such improvements are built or constructed, in violation of this easement, the City of Ankeny shall in no way be responsible for any damages thereto resulting from the construction, reconstruction, maintenance or repair of the aforesaid improvements.

That the Grantor does hereby covenant with the said Grantee, and successor-in-interest, that said Grantor holds said real estate by title and fee simple; that it has good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever, except as may be herein stated; that said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be herein stated.

STATE OF IOWA, COUNTY OF POLK, ss:

On this L day of Series, 2010, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared 1944, Menzies , to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NOTARY PUBLIC IN AND EOR

THE STATE OF IOWA

CATHERINE LYNNE TYSON
Commission Number 728245
My Commission Expires
May 3, 2013

Prepared By: Nilles Associates, Inc. 2525 N. Ankeny Blvd. Suite 121, Ankeny, Iowa 50023-4703 Ph: 515-965-0123 STORM SEWER, SURFACE WATER FLOWAGE & DETENTION EASEMENT EASEMENT DESCRIPTION That part of Parcel "1" of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, lowa, as shown on the plat of survey recorded in Book 11295, Pages 669-674, and being more particularly described as follows: Commencing at the northwest corner of said Section 26; thence North 89 degrees 46 minutes 11 seconds East, a distance of 1125.54 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 306.12, to the Point of Beginning; thence South 08 degrees 53 minutes 38 seconds West, a distance of 126.09 feet; thence North 82 degrees 04 minutes 42 seconds West, a distance of 119.97 feet; thence northwesterly 74.66 feet along a curve to the right, not tangent to the last described line, having a radius of 242.00 feet, a delta angle of 17 degrees 40 minutes 39 seconds and a chord distance of 74.37 feet which bears North 19 degrees 19 minutes 51 seconds West; thence North 10 degrees 29 minutes 31 seconds West, a distance of 20.25 feet; thence North 39 degrees 44 minutes 49 seconds East, a distance of 46.12 feet; thence southeasterly 138.62 feet along a curve to the right, not tangent to the last described line, having a radius of 545.00 feet, a delta angle of 14 degrees 34 minutes 22 seconds and a chord distance of 138.24 feet which bears South 82 degrees 43 minutes 39 seconds East, to the Point of Beginning. Containing 0.43 acres more or less. Said parcel is subject to any and all restrictions, covenants and easements of record. Northwest corner of Section 26-North line of the North Township 80 North-Range 24 West Half of Section 26-Township 80-Range 24 Found cut 'X' in concrete paving (Book 11523, Page 489) Future SN Westview Drive **LEGEND** PREPARED FOR Subject easement line City of Ankeny Section line PROPRIETOR Future right-of-way line DRA Properties, LC 306. 00,00.05 Future SW Magazine Road 138.62' R=545.00' Δ=14'34'22" C=138.24' C.B.=S82'43'39"E PARCEL 0 to 720 %. , K. ORTH POINT OF BEGINNING Storm Sewer, S10"29'31"E Surface Water HALF 20.25 Flowage & SECTION Detention C.B.=N1919'51"W 3°53′38″ 126.09′ Easement 74.86 R=242.00 (R=17.40.30 C=74.31 C=74.31 2 6 TOWNS NORTH $H \mid P$ NORTH 18,675 Sq. Ft. 8 0 0.43 Acres 60 30 i Future RANGE

Mestview Orive SCALE: 1" = 60' V:\NAI Projects 2010\10106\dwg\10106-EX (detention).dwg 2525 N. ANKENY BLVD #121 ANKENY, IOWA 50023-4703 (515) 965-0123 (515) 965-3322 (fax) PROJECT: EASEMENT EXHIBIT ANKENY, IOWA

PROJECT NO .: 10106

2 4

N82°04'42"W

119.97

CK. BY: **GMP** DR. FIY: TJH DATE: 08/11/10

EST

SHEET: 1/1